

House Daily Reader

Friday, February 22, 2002

[illegible]

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

762H0367

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1087** - 02/19/2002

Introduced by: Representatives Peterson (Bill) and Olson (Mel) and Senators Everist and
Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general fund of a
2 school district.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-12-42 be amended to read as follows:

5 10-12-42. For taxes payable in ~~2002~~ 2003 and each year thereafter, the levy for the general
6 fund of a school district shall be as follows:

7 (1) The maximum tax levy shall be ~~thirteen~~ twelve dollars and ~~ninety-three~~ ninety cents
8 per thousand dollars of taxable valuation subject to the limitations on agricultural
9 property as provided in subdivision (2) of this section, owner-occupied property as
10 provided for in subdivision (3) of this section, and nonagricultural acreage property
11 as provided for in subdivision (4) of this section;

12 (2) The maximum tax levy on agricultural property for such school district shall be ~~four~~
13 three dollars and ~~four~~ seventy-four cents per thousand dollars of taxable valuation. If
14 the district's levies are less than the maximum levies as stated in this section, the levies



shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies;

(3) The maximum tax levy for an owner-occupied single-family dwelling as defined in § 10-13-40, for such school district may not exceed six dollars and ~~fifty~~ two cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies; and

(4) The maximum tax levy on nonagricultural acreage property as defined in § 10-6-33.14, for such school district shall be ~~five~~ four dollars and ~~four~~ seventy-four cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies.

All levies in this section shall be imposed on valuations where the median level of assessment represents eighty-five percent of market value as determined by the Department of Revenue. These valuations shall be used for all school funding purposes. If the district has imposed an excess levy pursuant to § 10-12-43, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies in this section. The school district may elect to tax at less than the maximum amounts set forth in this section.

Section 2. That § 10-12-42.1 be repealed.

~~10-12-42.1. Notwithstanding the provisions of § 10-12-42, the levy for taxes payable in 2001 shall be as follows:~~

~~(1) The maximum tax levy shall be thirteen dollars and ninety-three cents per thousand dollars of taxable valuation subject to the limitations on agricultural property as provided in subdivision (2) of this section, owner-occupied property as provided for~~

1 in subdivision (3) of this section, and nonagricultural acreage property as provided for
2 in subdivision (4) of this section;

3 ~~— (2) — The maximum tax levy on agricultural property for such school district shall be three~~
4 ~~dollars and thirty-three cents per thousand dollars of taxable valuation. If the districts'~~
5 ~~levies are less than the maximum levies as stated in chapter 10-13, the levies shall~~
6 ~~maintain the same proportion to each other as represented in the mathematical~~
7 ~~relationship at the maximum levies;~~

8 ~~— (3) — The maximum tax levy for an owner-occupied single-family dwelling as defined in~~
9 ~~§ 10-13-40, for such school district may not exceed five dollars and thirty-six cents~~
10 ~~per thousand dollars of taxable valuation. If the district's levies are less than the~~
11 ~~maximum levies as stated in chapter 10-13, the levies shall maintain the same~~
12 ~~proportion to each other as represented in the mathematical relationship at the~~
13 ~~maximum levies;~~

14 ~~— (4) — The maximum tax levy on nonagricultural acreage property as defined in~~
15 ~~§ 10-6-33.14, for such school district shall be four dollars and thirty-three cents per~~
16 ~~thousand dollars of taxable valuation. If the district's levies are less than the maximum~~
17 ~~levies as stated in chapter 10-13, the levies shall maintain the same proportion to each~~
18 ~~other as represented in the mathematical relationship at the maximum levies.~~

19 ~~— All levies in this section shall be imposed on valuations where the median level of assessment~~
20 ~~represents eighty-five percent of market value as determined by the Department of Revenue.~~
21 ~~These valuations shall be used for all school funding purposes. If the district has imposed an~~
22 ~~excess levy pursuant to § 10-12-43, the levies shall maintain the same proportion to each other~~
23 ~~as represented in the mathematical relationship at the maximum levies in this section. The school~~
24 ~~district may elect to tax at less than the maximum amounts set forth in this section.~~

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

872H0466

HOUSE ENGROSSED NO. **HB 1131** - 01/24/2002

Introduced by: Representatives Michels, Abdallah, Flowers, Juhnke, Monroe, Olson (Mel),
and Sutton (Duane) and Senators McCracken, Bogue, Daugaard, and Moore

1 FOR AN ACT ENTITLED, An Act to provide for civil recovery of unpaid property and
2 services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The owner of a motor vehicle that receives motor fuel that was not paid for is liable to the
7 motor fuel retailer for the cost of the motor fuel received. In addition, the motor fuel retailer may
8 impose a maximum service charge of thirty dollars for collection costs if the service charge was
9 conspicuously displayed on the premises where the motor fuel was received.

10 Section 2. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
11 as follows:

12 If a motor fuel retailer records the license plate number of the motor vehicle that receives
13 motor fuel that was not paid for, the retailer may contact any law enforcement officer and
14 provide the license plate number in writing and the law enforcement officer shall provide the
15 motor vehicle owner's address, recorded pursuant to § 32-5-3, in order for the retailer to mail



1 a notice and demand of payment for motor fuel.

2 Section 3. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
3 as follows:

4 The notice and demand of payment for motor fuel shall include the name, address, and license
5 plate number of the motor vehicle owner; the date the act occurred; the unpaid dollar amount;
6 the service charge; the type of motor fuel; a citation of sections 1 and 4 of this Act; and the
7 employee's signature. An affidavit of service by mailing shall be retained by the motor fuel
8 retailer.

9 Section 4. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 If the motor fuel retailer does not receive payment within thirty-three days after mailing the
12 notice and demand for payment for motor fuel, the vehicle owner is also liable for a civil penalty
13 of one hundred dollars, or the price of the unpaid motor fuel, whichever is greater.

14 Section 5. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
15 as follows:

16 The motor vehicle owner may dispute the motor fuel retailer's claim by sending written notice
17 to the retailer during the thirty-three day period in section 4 of this Act. The retailer shall cease
18 all collection efforts upon receipt of the notice. The retailer may collect the price of the motor
19 fuel, the service charge, and the civil penalty only pursuant to a judgement from a court of law.

20 Section 6. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
21 as follows:

22 Any person who obtains property or services from a hotel or restaurant without paying for
23 it is liable to the retailer for the cost of the property or service. In addition, the retailer may
24 impose a maximum service charge of thirty dollars for collection costs if the service charge was

1 conspicuously displayed on the premises.

2 Section 7. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
3 as follows:

4 If the retailer records the motor vehicle license plate number of the person who obtained
5 property or services without paying, the retailer may contact any law enforcement officer and
6 provide the license plate number in writing and the law enforcement officer shall provide the
7 motor vehicle owner's address, recorded pursuant to § 32-5-3, in order for the retailer to mail
8 a notice and demand of payment for property or services.

9 Section 8. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 The notice and demand of payment for property or services shall include the name, address,
12 and license plate number of the motor vehicle owner; the date the act occurred; the unpaid dollar
13 amount; the service charge; a citation of sections 6 and 9 of this Act; and the employee's
14 signature. An affidavit of service by mailing shall be retained by the retailer.

15 Section 9. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
16 as follows:

17 If the retailer does not receive payment within thirty-three days after mailing the notice and
18 demand for payment for property or services, the vehicle owner is also liable for a civil penalty
19 of one hundred dollars, or the price of the unpaid property or services, whichever is greater.

20 Section 10. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
21 as follows:

22 Any person may dispute the retailer's claim by sending written notice to the retailer during
23 the thirty-three day period in section 9 of this Act. The retailer shall cease all collection efforts
24 upon receipt of the notice. The retailer may collect the price of the property or service, the

1 service charge, and the civil penalty only pursuant to a judgment from a court of law.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

552H0473

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1137** - 02/19/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Olson (Mel), Bartling, Bradford, Burg, Davis, Elliott, Flowers, Gillespie, Glenski, Hanson (Gary), Hargens, Hundstad, Kloucek, Lange, Nachtigal, Nesselhuf, Peterson (Jim), Sigdestad, Valandra, and Van Norman and Senators Hutmacher, Dennert, Duxbury, Hagen, Koetzle, McIntyre, Moore, Reedy, Sutton (Dan), and Volesky

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the compensation and
2 the meetings of the State Cement Plant Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-17-4 be amended to read as follows:

5 5-17-4. ~~The~~ Any compensation of the members of the State Cement Plant Commission, ~~other~~
6 ~~than the secretary-treasurer,~~ shall be payable ~~monthly~~ quarterly, with their actual and necessary
7 expenses to be paid in the same manner as other expenditures out of the cement plant fund, upon
8 presentation of itemized, verified vouchers. ~~It is further provided that the~~ The State Cement Plant
9 Commission shall meet at ~~least once each month~~ the call of the chair or at the call of a majority
10 of the members of the commission.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

154H0588

SENATE ENGROSSED NO. **HB 1197** - 02/20/2002

Introduced by: Representatives Richter and Peterson (Bill) and Senators Drake, Dennert, Duxbury, Putnam, and Symens

1 FOR AN ACT ENTITLED, An Act to appropriate money from the property tax reduction fund
2 to the general fund, to provide for the transfer of certain money to the general fund, and to
3 declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. There is hereby appropriated the sum of thirteen million seven hundred sixty-one
6 thousand dollars (\$13,761,000) from the property tax reduction fund established by § 10-13-44
7 to the general fund.

8 Section 2. The state treasurer shall transfer to the state general fund five hundred thousand
9 dollars (\$500,000) from the gross receipt tax fund.

10 Section 3. The state treasurer shall transfer to the state general fund five hundred thousand
11 dollars (\$500,000) from the children's trust fund.

12 Section 4. The state treasurer shall transfer to the state general fund one million two hundred
13 seventy-four thousand dollars (\$1,274,000) from general fund carryover amounts within the
14 budget of the South Dakota public broadcasting.

15 Section 5. The state treasurer shall transfer to the state general fund two million dollars



1 (\$2,000,000) from general fund carryover amounts in the Department of Education and Cultural
2 Affairs.

3 Section 6. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
5 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

494H0464

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 133** - 02/19/2002

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Diedrich (Larry), Albers, Brosz, Daugaard, de Hueck, Dennert, Diedrich (Elmer), Duxbury, Greenfield, Hutmacher, Koetzle, Koskan, McCracken, McIntyre, Moore, Munson, Olson (Ed), Putnam, Sutton (Dan), Symens, and Vitter and Representatives Jaspers, Begalka, Broderick, Burg, Derby, Flowers, Frost, Fryslie, Gillespie, Glenski, Hansen (Tom), Hanson (Gary), Hargens, Holbeck, Hundstad, Hunhoff, Jensen, Juhnke, Klaudt, Kooistra, Lange, Nachtigal, Olson (Mel), Peterson (Jim), Pitts, Sebert, Sigdestad, Slaughter, Smidt, Sutton (Duane), Valandra, Van Gerpen, and Wick

1 FOR AN ACT ENTITLED, An Act to revise the distribution of revenue from the petroleum
2 release compensation and tank inspection fee, to increase the excise tax on certain motor
3 fuels, and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 34A-13-20 be amended to read as follows:

6 34A-13-20. A petroleum release compensation and tank inspection fee is imposed upon any
7 petroleum products upon which the fuel excise tax is imposed by §§ 10-47B-5 to 10-47B-10,
8 inclusive, and 10-47B-13. None of the exemptions from fuel excise tax allowed in § 10-47B-19
9 shall apply to this fee. The parties required to pay the fuel excise tax under the provisions of
10 §§ 10-47B-21 to 10-47B-26, inclusive, and 10-47B-29 and 10-47B-31 are liable for payment of



1 the petroleum release and tank inspection fee. In cases where the fuel is exempt from the fuel
2 excise tax under the provisions of subdivisions 10-47B-19(1), (3), and (5), the supplier shall pay
3 the fee. Responsibility for payment of the fee ceases if the petroleum product is sold and
4 delivered by a licensed exporter outside of the state. The amount of the fee imposed is twenty
5 dollars per one thousand gallons of petroleum. ~~Beginning on January 1, 2003, the fee is ten~~
6 ~~dollars per one thousand gallons of petroleum.~~

7 The Fifty percent of the revenue collected pursuant to this section shall be deposited monthly
8 in the state highway fund and fifty percent of the revenue collected pursuant to this section shall
9 be distributed monthly in the following manner:

- 10 (1) ~~During fiscal year 1999, forty-two percent shall be deposited in the state capital~~
11 ~~construction fund created in § 5-27-1.~~ Beginning in fiscal year 2000 to December 31,
12 2002, inclusive, fifty percent shall be deposited in the state capital construction fund
13 created in § 5-27-1. Beginning on January 1, 2003, seventy-eight and seven-tenths
14 percent shall be deposited in the state capital construction fund; and
- 15 (2) ~~During fiscal year 1999, fifty-eight percent shall be deposited into the petroleum~~
16 ~~release compensation fund.~~ Beginning in fiscal year 2000 to December 31, 2002,
17 inclusive, fifty percent shall be deposited in the petroleum release compensation fund.
18 Beginning on January 1, 2003, twenty-one and three-tenths percent shall be deposited
19 in the ~~petroleum release compensation~~ state highway fund.

20 Section 2. The effective date of section 1 of this Act is April 1, 2002.

21 Section 3. That § 34A-13-20 be amended to read as follows:

22 34A-13-20. A petroleum release compensation and tank inspection fee is imposed upon any
23 petroleum products upon which the fuel excise tax is imposed by §§ 10-47B-5 to 10-47B-10,
24 inclusive, and 10-47B-13. None of the exemptions from fuel excise tax allowed in § 10-47B-19

shall apply to this fee. The parties required to pay the fuel excise tax under the provisions of §§ 10-47B-21 to 10-47B-26, inclusive, and 10-47B-29 and 10-47B-31 are liable for payment of the petroleum release and tank inspection fee. In cases where the fuel is exempt from the fuel excise tax under the provisions of subdivisions 10-47B-19(1), (3), and (5), the supplier shall pay the fee. Responsibility for payment of the fee ceases if the petroleum product is sold and delivered by a licensed exporter outside of the state. The amount of the fee imposed is twenty dollars per one thousand gallons of petroleum. ~~Beginning on January 1, 2003, the fee is ten dollars per one thousand gallons of petroleum.~~

~~The~~ Fifty percent of the revenue collected pursuant to this section shall be deposited monthly in the ethanol fuel fund and fifty percent of the revenue collected pursuant to this section shall be distributed monthly in the following manner:

- ~~(1) During fiscal year 1999, forty-two percent shall be deposited in the state capital construction fund created in § 5-27-1. Beginning in fiscal year 2000 to December 31, 2002, inclusive, fifty percent shall be deposited in the state capital construction fund created in § 5-27-1. Beginning on January 1, 2003, seventy-eight and seven-tenths percent shall be deposited in the state capital construction fund; and~~
- ~~(2) During fiscal year 1999, fifty-eight percent shall be deposited into the petroleum release compensation fund. Beginning in fiscal year 2000 to December 31, 2002, inclusive, fifty percent shall be deposited in the petroleum release compensation fund. Beginning on January 1, 2003, twenty-one and three-tenths percent shall be deposited in the petroleum release compensation~~ state highway ~~fund.~~

Section 4. The effective date of section 3 of this Act is April 1, 2003.

Section 5. That § 5-27-5 be amended to read as follows:

5-27-5. ~~During fiscal year 1999, the Bureau of Finance and Management shall transfer each~~

1 ~~month three and six-tenths percent of the monthly state capital construction fund revenues from~~
2 ~~the state capital construction fund to the public and special transportation fund.~~ Beginning in
3 fiscal year 2000 to December 31, 2002, inclusive, the Bureau of Finance and Management shall
4 transfer each month three and one-half percent of the monthly state capital construction fund
5 revenues from the state capital construction fund to the public and special transportation fund.
6 Beginning on January 1, 2003, the Bureau of Finance and Management shall transfer each month
7 two and six-tenths percent of the monthly state capital construction fund revenues from the state
8 capital construction fund to the ~~public and special transportation~~ state highway fund.

9 Section 6. That § 10-47B-4 be amended to read as follows:

10 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 11 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) ~~\$.22~~
12 \$.24 per gallon;
- 13 (2) Special fuel (except jet fuel) -- ~~\$.22~~ \$.24 per gallon;
- 14 (3) Ethanol blends -- ~~\$.20~~ \$.22 per gallon;
- 15 (4) Aviation gasoline -\$.06 per gallon;
- 16 (5) Jet fuel -\$.04 per gallon;
- 17 (6) E85 and M85 -- ~~\$.10~~ \$.12 per gallon;
- 18 (7) E85 and M85 used in aircraft -\$.04 per gallon;
- 19 (8) Liquid petroleum gas -- ~~\$.20~~ \$.22 per gallon;
- 20 (9) Compressed natural gas -- ~~\$.10~~ \$.12 per gallon.

21 Section 7. The effective date of section 6 of this Act is April 1, 2002, and section 6 of this
22 Act is repealed on April 1, 2004.

23 Section 8. That § 10-47B-162 be amended to read as follows:

24 10-47B-162. A production incentive payment of twenty cents per gallon is available to

1 ethanol producers for ethyl alcohol which is fully distilled and produced in South Dakota. To be
2 eligible for this payment, the ethyl alcohol shall be denatured and subsequently blended with
3 gasoline to create ethanol blend. The ethyl alcohol shall be ninety-nine percent pure and shall be
4 distilled from cereal grains. Annual production incentive payments for any facility may not
5 exceed one million dollars. No facility may receive any production incentive payments in an
6 amount greater than ten million dollars. The cumulative annual production incentive payments
7 made under this section may not exceed ~~an amount which has been appropriated by the~~
8 ~~Legislature for this purpose and has been deposited into the ethanol fuel fund in the state treasury~~
9 seven million dollars. Payments from the ethanol fuel fund shall be made on a first in time basis
10 until the fiscal year appropriation is reached. During the month when the appropriation limit is
11 to be reached, all claims received by month end shall be reimbursed proportionately on a pro-rata
12 basis for each gallon claimed.

13 Section 9. That § 10-47B-164 be amended to read as follows:

14 10-47B-164. Any money in the ethanol fuel fund is continuously appropriated for purposes
15 of providing ethanol production payments to qualified ethanol producers. The department may
16 receive and approve ethanol production incentive payment claims and authorize the issuance of
17 payment warrants to licensed ethanol producer claimants based on claims presented by the
18 licensees. At the end of each fiscal year, any unobligated cash in excess of one hundred thousand
19 dollars in the ethanol fuel fund shall be transferred to the state ~~capital construction~~ highway fund.

20 Section 10. Whereas, this Act is necessary for the support of the state government and its
21 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
22 force and effect from and after its passage and approval.